

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and these remarks.

### **I. Status of the Claims**

Claims 1, 2, 4, 11, and 13 were cancelled previously. Claim 12 are cancelled here, without prejudice or disclaimer thereof. Applicants reserve the right to pursue the subject matter of any cancelled claims. Claims 3, 8 and 10 have been amended in keeping with the examiner's suggestion.

Applicants acknowledge the finality of the Office Action. Because (i) no new matter is introduced presently, (ii) no additional search is required, and (iii) the proffered revisions to cancel claims and comport with Examiner Haddad's recommendations, applicants respectfully request entry of this amendment after final rejection. Upon entry, claims 3, 5-10 and 14 will be pending, with claims 5-7 and 14 withdrawn from consideration.

### **II. Statement of the Substance of the Interview**

Applicants thank Examiner Haddad for the courtesies extended during a telephonic interview with applicants' representative, Yang Tang, on February 19, 2009. During the interview, objections to the specification were discussed, as were proposed amendments to the claims. Applicants are grateful to Examiner Haddad for his indication that the proposed claim amendments will be entered without need of an accompanying RCE, and that the claims will be allowed if no new matter is introduced.

### **III. Objection to the Specification**

The examiner objected to the specification for disclosing sequences without the corresponding SEQ ID NOs. Applicants submitted a sequence listing, in paper copy and in CRF,

on June 26, 2006, along with an amendment to the specification in compliance with 37 CFR 1.821(d).

During the telephonic discussion, Examiner Haddad confirmed that the prior submission overcame this objection and that no further amendments to the specification were required in response to the pending action.

**IV. Rejection of Claims under 35 U.S.C. §112, first paragraph**

The examiner rejected claims 3, 8-10, and 12 for alleged lack of enablement. Applicants respectfully traverse the rejection.

The examiner asserts that the specification “does not reasonably provide enablement for a polypeptide consisting of ‘any’ amino acid sequence...” and that the specification is not enabling “for the in vivo use of the claimed polypeptide” (Office Action at page 3, 3<sup>rd</sup> and 5<sup>th</sup> paragraphs, respectively). Without acquiescing to the stated rationale of the rejection, applicants choose to advance prosecution by cancelling claim 12 and by otherwise amending the claims in line with what the examiner has suggested. Accordingly, withdrawal of the rejection is respectfully requested.

**V. Rejection of Claims under 35 U.S.C. §102(b)**

The examiner rejected claim 3 for alleged anticipation by Zheng *et al.*, *J. Biol. Chem.* 276: 41059-63 (2001). Applicants respectfully traverse the rejection.

Claim 3 is directed to an isolated polypeptide consisting of the amino acid sequence from position 449 to position 687 of SEQ ID NO. 1. As the examiner has acknowledged, the Zheng reference teaches “*a specific fragment* of aa449-687 of SEQ ID NO: 1” and “*a fragment consisting of* RGDS” (final Office Action, page 4, 5<sup>th</sup> full paragraph; emphasis added). Because Zheng fails to disclose the exact polypeptide to anticipate the claimed invention, applicants respectfully request withdrawal of the rejection.

### CONCLUSION

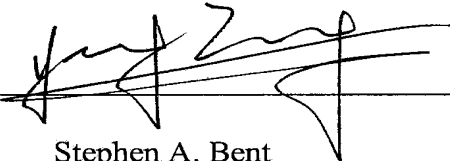
Applicants submit that the application is in condition for allowance, and they request an early indication to this effect. Examiner Haddad is invited to contact the undersigned directly, should he feel that any issue warrants further considerations.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, the applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

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